

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YOVANNY DOMINGUEZ, and on behalf of all other
persons similarly situated,

Plaintiff,

-v-

ASHLEY STEWART, INC.,

Defendant.

CIVIL ACTION NO.: 22 Civ. 3077 (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On November 11, 2019, Plaintiff filed this action against Defendant, alleging that Defendant violated the Americans with Disabilities Act by “fail[ing] to sell store gift cards to consumers that contain writing in Braille and to be fully accessible to and independently usable by Plaintiff and other blind or visually-impaired people.” (ECF No. 1 ¶ 4). On December 13, 2019, the Honorable Paul A. Engelmayer referred this case to me for general pre-trial supervision. (ECF No. 5). On March 17, 2020, the Court granted Defendant’s request to stay this action until August 4, 2020. (ECF No. 14). On August 5, 2020, the Court granted the parties’ request for a continuance of the stay pending the Second Circuit’s decision in Mendez v. AnnTaylor, Inc., No. 20-1550, and directed Plaintiff’s counsel to “file a joint status report within a week of the Second Circuit’s resolution of the consolidated appeal of similar actions[.]” (ECF No. 16). On July 31, 2020, Mendez was consolidated with other related appeals, and Calcano v. Swarovski North America Limited, 21-1552 was designated as the lead case. (Order, Mendez, No. 21-1550, (2d Cir. July 31, 2020), ECF No. 88).

On June 2, 2022, the Second Circuit issued its decision in Calcano. (Opinion, Calcano, No. 21-1552, (2d Cir. June 2, 2022), ECF No. 196). Accordingly, the parties were to notify the

Court of the decision by June 9, 2022. To date, however, neither party has communicated with the Court.

In light of the Calcano decision, the Court orders as follows:

1. The stay of this case (ECF Nos. 14, 16) is LIFTED; and
2. The parties shall promptly meet and confer and, by **Friday, July 15, 2022**, file a joint letter (the "Letter") with a proposal for proceeding with the case. To the extent the parties cannot agree on a proposal, they may set forth in the Letter their respective positions without argument.

Dated: New York, New York
July 6, 2022

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge